

# CHAPTER 10 : CIVIL RIGHTS

Historically, minority and low-income populations have been underrepresented in the transportation planning and project development process. Inadequate access to decision-making and information increases the potential that a specific population will be adversely effected by a transportation project and the likelihood that their specific needs or concerns will not be fully addressed. Since 1964, federal laws and policies have been developed to ensure that the civil rights of minority and low-income populations will be protected and that the decision-making process for those projects is free from discrimination.



Primary among these federal laws and policies are Title VI of the Civil Rights Act of 1964, as amended and Executive Order 12898 as signed by President Clinton in 1994. Title VI of the Civil Rights Act of 1964 provides that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations*, calls for strategies to identify and address disproportionately high and adverse human health and environmental impacts of federal actions on low-income and minority populations.

In compliance with Executive Order 12898, the U.S. Department of Transportation (USDOT) issued USDOT Order 5610.2 on April 15, 1997 establishing an environmental justice strategy.

The USDOT Order also requires responsible DOT officials to, "...ensure that any of their respective programs, policies or activities that will have a disproportionately high and adverse effect on populations protected by Title VI ("protected populations") will only be carried out if:

1. A substantial need for the program, policy or activity exists, based on the overall public interest, and
2. Alternatives that would have less adverse effects on protected populations (and still satisfy the need identified in subparagraph (1) above), either (i) would have other adverse social, economic, environmental or human health impacts that are more severe, or (ii) would involve increased costs or extraordinary magnitude."

The USDOT strategy promotes public involvement efforts targeted for minority and low-income groups, to facilitate access to general information and input into transportation and project decisions. The Federal Highway Administration (FHWA) issued FHWA Order 6640.23 on December 2, 1998 establishing policies and procedures for the FHWA to use in complying with the strategies established by Executive Order 12898 and USDOT Order 5610.2.

The Florida Department of Transportation (FDOT) Project Development and Environment (PD&E) Manual requires that any transportation project or improvement comply with all appropriate federal and state civil rights and environmental justice guidance. In general, the intent of these federal and state efforts is simply to assure that the transportation decision-making process is open and equitable for all members of society.

## UNDERSTANDING POTENTIAL IMPACTS

In general, potential civil rights concerns can be categorized under the following headings:

- Access to Decision-Making, Decision Makers, and Information;
- Disproportionate Impacts; and
- Cumulative Impacts.

### Access To Decision-Making, Decision-Makers and Information

The assessment of civil rights considerations should answer two questions relative to access to decision-making:

1. Has every reasonable effort been made to equally involve all potentially impacted populations in the decision-making process, and
2. Has every reasonable effort been made to bridge ethnic or cultural barriers that may obstruct equal access to the decision-making process?

Inadequate access to project information combined with low understanding of the decision-making process for transportation projects is a major cause of perceived discrimination by minority and low-income populations. The standard public involvement and outreach program for transportation improvement projects does not intentionally exclude minority and low-income populations, but the techniques applied are often inadequate to reach these populations. Only by being involved in the decision-making process and having access to project information can a community expect that their needs or concerns will be addressed. Otherwise, the agency gives the perception that it is not open to community concerns. Further, the transportation agency can only hope to achieve community acceptance of the transportation project by addressing community concerns or objectives in project development.

Determine how local residents receive information and use that medium to reach out to the community. This is the key to providing access to the decision-making process.

Care must be taken to ensure that the public involvement program reaches all target audiences. Public involvement and outreach techniques should reach people where they live and in ways that have meaning to them. Determine how local residents receive information and use that medium to reach out to the community. This is the key to providing access to information and the decision-making process for all potentially impacted populations. For example, the local

Spanish-language newspaper may reach more households in a predominately Hispanic neighborhood. Even if a public involvement program seems adequate, be aware that some groups simply need more assistance than others in navigating the public decision-making process. Low literacy levels, unfamiliarity with the process, and language barriers are among the factors that can reduce access to decision-making among various groups.

Sometimes, even when the target audience is reached, the message may be unclear, misunderstood or mistrusted. This can be reduced through attention to the cultural bias of a specific population and sensitivity to the subtleties of cross-cultural communication. For example, if the minority community originates from a non-democratic country, then a government agency seeking input in an open decision-making process might be alien to them. A public workshop format may not be the appropriate means for involving this particular minority population. Instead, alternative methods may need to be explored to build their trust and to involve them in ways that are not perceived as threatening.

Ensure that all members of the public have equal access to decision-makers and that those decision makers express a willingness to listen and understand their opinions and concerns.

## **Disproportionate And Adverse Impacts**

For assessment of civil rights impacts, the question must be asked, “Will the transportation project result in disproportionately high and adverse effects on minority and low-income populations?” Evidence of substantially disproportionate adverse impacts on a minority and low-income population can be characterized as a form of discrimination that is subject to civil rights action. Minority or low-income populations disproportionately suffer potential project effects, when the effects are substantially more severe or greater in magnitude than the adverse effects suffered by non-minority or non-low-income populations. The potential for disproportionate impacts of a transportation project is greatest where one or more of the following is true:

- The affected community has not been adequately involved in the decision-making process,
- The affected community is strongly opposed to the project,
- There is specific evidence that the project will adversely affect a low income or minority community more than other communities in the study area.

Community impact assessment provides a process for identifying and avoiding disproportionately high and adverse impacts on low income and minority neighborhoods. The potential for disproportionate impacts needs to be considered at all stages of the process, from location decisions to mitigation. Care must be taken to ensure that a cohesive minority and low-income community is not dispersed for new road construction simply because the cost of land tends to be the lowest in that area. Efforts to address adverse impacts should also be reasonably equitable across a study area and proportionate to the nature of the impact.

## Cumulative Impacts

The best way to understand cumulative impacts is to consider the following non-transportation example. If a logger removes a single tree from a forest every day, the impact of the first tree is imperceptible. After a month, the impact is noticeable, but still insignificant. After a year, the cumulative impact of removing one tree a day from the forest is significant.

Do the potential adverse impacts of a proposed transportation project - when added to the adverse impacts of previous, current, and reasonably foreseeable projects - result in a significant, cumulative, adverse impact on a community and especially a minority or low-income population?

For civil rights, the assessment of cumulative impacts should address the following question: “Do potential adverse impacts resulting from the proposed transportation project – when added to the adverse impacts from previous, current, and reasonably foreseeable projects – result in a significant, cumulative, adverse impact on a minority or low-income population?”

An undesirable side effect of having several consecutive projects in one community is the creation of an impression that the community is being discriminated against or “dumped on”, even if that is not the case. This is particularly true in the case of minority and low-income populations who are already sensitive to racial bias and discrimination. The perception of discriminatory and unfair treatment can galvanize a community in opposition to the proposed improvement. Therefore, it is necessary to determine, in conjunction with the community, the potential for cumulative impacts from a proposed project. Where potential cumulative impacts can be documented, mitigation strategies must be developed. Remember to always treat the community’s concerns with respect and to maintain an open dialogue in an effort to resolve community concerns.

### Cumulative Impacts in Miami’s Overtown Neighborhood

A case example of cumulative project impacts is that of the predominately African-American community of Overtown in Miami. Construction of I-95 and I-395 in the late 1950’s and early 1960’s split the community into quarters, significantly impacting community cohesion through both barrier and relocation impacts. Over 75% of the residents of Overtown were relocated as a result of these two projects. In the mid-1990’s, planning efforts focused on connecting western Dade County with eastern Dade County by widening and improving I-395 and introducing new light-rail transit service. Each of the proposed roadway and light rail alternatives passed through or near the Overtown community. Community concerns over the cumulative impacts of the proposed projects became apparent at a public hearing for the Draft Environmental Impact Statement in 1996. The light rail project was modified through relocation and tunneling to avoid impacting the Overtown community. Project development for the I-395 improvements was suspended, and remains so, based on the strength of neighborhood concerns over potential project impacts.

## DATA SOURCES:

The data required to evaluate civil rights concerns includes:

- **Demographic data:** The demographic data and community values should already have been collected to develop the community profile for the study area (see Chapter 4). The most important demographic data pertain to race, ethnicity, religion and income. It is this information that will pinpoint the location of minority and low-income populations within the study area and the proportion of the broader population that these groups represent.
- **Community values data:** The community values information will be helpful in assessing minority and low-income participation and accessibility to the decision-making process.
- **Project data:** Project data refers to information related to previous, current and reasonably anticipated future projects. This includes project scope, purpose and need, implementing agency, and specific project information. This information is available from state, regional and local transportation and other agencies and is required to determine the potential for cumulative impacts that could result from any of the project alternatives under consideration. Agencies to contact include Metropolitan Planning Organizations, Regional Planning Councils, and local planning and public works departments. Also, information gathered from local residents, leaders and stakeholders for the community profile and other assessment activities will likely recall previous projects and the resulting impacts; and
- **Other potential impacts data:** Other potential impacts (noise, vibration, air quality, relocation, etc), will also need to be considered to determine if minority or low-income populations will potentially be disproportionately adversely impacted by project alternatives. For example, a determination of disproportionate impacts to minority or low-income populations related to noise could not be made without first knowing the nature of noise impacts, if any, from project alternatives. Information on other potential impacts will be uncovered through the assessment techniques described in this handbook or in the FDOT Project Development and Environment (PD&E) Manual.

## ASSESSMENT TECHNIQUES

A primary reason for conducting a community impact assessment is to ensure that the transportation decision-making process is equitable and free of discrimination. Therefore, potential civil rights considerations must be identified, evaluated, and documented as part of the project development process. The assessment process must be sensitive to community values and characteristics, easy to understand (particularly to those individuals and populations potentially impacted), and accessible to all potentially affected and interested parties.

Although simple, the techniques described in this chapter provide a reasonable basis for determining if civil rights considerations could potentially result from project alternatives. Under special circumstances, it may be advisable to enlist the services of a civil rights specialist or individual with proficiency in a given language or culture to assist project personnel in working with a minority

community. This is particularly true where the relationship between the transportation agency and the potentially impacted population is strained or when working with special religious or ethnic communities. However, in most cases project personnel can and should carry out the assessment.

## Access to Decision-Making and Information

The public involvement program for each project should promote active involvement of minority and low-income communities and improve access to information and decision-makers. The key to project success and public acceptance rests in the involvement of the community at large. If a segment of the population feels left out or discounted, then the viability of the project will be jeopardized. Given the historic experiences of discrimination among some minority and low-income communities, and the recent arrival of other nationalities, special outreach efforts may be necessary to inform and involve these citizens in the project development process.

If the participation of minority and low-income populations is proportionately lower than that of the study area population as a whole, then initiate a targeted outreach effort.

Providing each affected group an opportunity to review findings and voice their concerns will help reduce local anxiety over the agency's intentions and build trust between the agency and the neighborhood. The information developed from this dialogue can in turn be used in the project development process in refining the project. The aim of assessing the participation of minority and low-income populations in the decision-making process is to ensure that all potentially impacted populations have adequate input into their future. This can be done by following these steps:

1. **Determine if minority or low-income populations are present in the study area.** This information should have already been compiled, in map form, for the community profile (see Chapter 4). If no minority or low-income populations are present in the study area, then document that fact in the project file. If minority or low-income populations have been identified in the study area, as documented in the community profile, then note their location and consider the results of the community profile in developing ideas on how to best involve them in the decision-making process.
2. **Determine if members of those communities have involved themselves thus far in the decision-making process.** Consider whether the minority or low income neighborhood is adequately represented in the decision-making process. This can be accomplished by reviewing attendance records from any project related public meetings held in the study area or any comments that have been submitted. While attendance records do not typically record ethnic and racial characteristics of attendees, address information can be compared to demographic data to determine participation rates from predominately minority and low-income areas. Also, review attendance at any project related events held in minority or low-income neighborhoods and consider staff experiences thus far.

- Are any participants from low-income or minority neighborhoods within the study area? How does that compare to participation by residents from the broader study area?
- How is project information being disseminated? Is information available and accessible to minority or low-income populations?
- How does the attendance at events held in low income and minority neighborhoods compare to events held in the rest of the study area? Have members of minority populations been present at project related events?
- Have people called identifying themselves as a member of a minority population and questioned the impact on their community? Have people expressed concern about potential impact on a low-income neighborhood and identified themselves as being a resident of that neighborhood? Are minority and low-income participants active in the project development process?

All of these questions are essential to evaluating minority and low-income participation in project decision-making. Consider the answers and note them in the project files. If the participation of minority and low-income populations appears to be proportionately lower than that of the study area population as a whole, then efforts need to be made to improve participation of these populations in the process.

3. **Target minority and low-income populations in the public involvement program.** Ensure that concerted efforts are made to reach out to minority and low-income populations during public involvement for the project. Add special outreach techniques to the project public involvement program to target minority and low-income populations and encourage their participation. Minority and low-income populations are often underrepresented in the typical public involvement process. Outreach techniques to involve minority and low-income populations in the project decision-making process include, but are not limited to:

- Information only presentations at neighborhood forums, such as local festivals, club meetings, etc.;
- Disseminate project information where the target populations are most likely to be. Go to senior centers to reach older populations, daycare centers to reach working families with young children, synagogues for Jewish populations, mosques for Muslim populations, local retail stores, human service centers for low-income populations, etc. Be creative and ask advice from neighborhood leaders and stakeholders;
- Participate in “teach-ins” and “read-ins” at are schools, churches, and other community facilities;
- Pass out educational material on the streets or at High School athletic events advising communities of their role in the transportation planning and project development process and the current project scope and objectives. Consider sending material home with school children, posting I on bulletin boards at local meeting halls and religious institutions, and hanging it in local storefronts or on telephone poles;

### Communication Suggestions

Strive to establish a personal dialogue with minority and low-income residents, rather than relying on polls or surveys. Suggestions include:

- Identify and use neighborhood “door openers” to establish contacts (“Door openers” are considered ambassadors, not “spokespersons.” They help the project team identify opportunities to talk with the neighborhood.).
- Do not rely on a spokesman to present the neighborhood or community viewpoint. Speak with residents directly.
- Anticipate questions and prepare answers (Be prepared to explain the project and any proposed changes in everyday language).
- Consider ways to sustain communication. (This may include an advisory board that lasts throughout the project, written updates, or other methods that the neighborhood identifies. Be clear on what type of information or action is expected from affected parties.).

- Network with public human services organizations and private community organizations to disseminate outreach information;
  - Look for opportunities to include transportation information in regularly scheduled outreach efforts of schools and local parks and recreation departments;
  - Work through existing neighborhood organizations and networks;
  - Develop a community outreach team comprised of residents from minority or low-income neighborhoods. As contacts are developed in those communities, add new members to the team;
  - Many low-income and minority citizens use public transportation. Work with the local transportation providers to disseminate information;
  - Information dissemination also may be mode-specific. For example, written information may be appropriate for transit. Public service announcements, presentations, and other project communication materials targeted to specific markets may be appropriate for carpools, vanpools, and single occupant vehicles; and
  - Place targeted public service announcements in local newspapers and on local radio and television programming.
4. **Document any additional efforts taken to improve access to the decision-making process and the results of these outreach efforts.** Did minority or low-income participation increase after the outreach effort? If not, try something new. Have complaints regarding access to the decision-making process reduced? If not, ask those complaining what could be done to improve access. Make this information part of the permanent project record. Remember that the point is to improve access to information and decision-makers. People who absolutely do not want to participate, for whatever reason, have that choice. It's the effort made to reach out that counts. Issues and concerns identified through this process can then be summarized,

reviewed with area stakeholders, and refined for use in the project development process.

## Disproportionate Impacts

The following technique is recommended for determining if disproportionately high and adverse effects resulting from project alternatives are being borne by minority and/or low-income populations. This assessment technique is generally applicable to all forms of transportation projects, but should be modified to match local project conditions and circumstances. The most important considerations in determining if a low-income or minority population might be disproportionately adversely impacted by project alternatives include common sense, objectivity, and sensitivity to community values and needs.

- Use Common Sense
- Be Objective
- Be Sensitive to Community Values and Needs

The analysis is conducted as follows:

- 1. Identify the potential population that might be affected by the transportation project.** This information will have been assembled through the community profile. The use of a geographic information system to identify affected populations near a transportation project is highly recommended. Estimates on race, ethnicity, income, and density of populations within certain proximity from the project can be completed using Traffic Analysis Zones (TAZ), census, zip codes, or surveys of the affected population.
- 2. Compare the distribution of potential impacts on local populations.** An evaluation should be completed for minority and low-income populations and the population as a whole. Consider the relative impact on each population as compared to the proportion of the population that each group comprises. This comparison could be made for each potential adverse impact resulting from a proposed alternative.

An area of measurement needs to be selected for conducting this assessment, such as census tract, census block group, traffic analysis zones from the regional traffic model, neighborhood, and so on. The nature and size of the area of measurement should be based on the level of detail of available data, the size of the project, and the potential area impacted. Consider applying more than one area of measurement to determine whether the potential impacts are disproportionate. Also, look at the potential impacts from the perspective of a variety of potentially impacted populations.

For example, if an increase in noise pollution adversely impacts only five percent of the non-minority study area population, but impacts eighty percent of the minority population, this would indicate a disproportionate impact on the minority population. Looked at another way, the same increase in noise pollution may potentially impact the only low-income neighborhood in the community, raising concerns that the low-income neighborhood was being singled-out and disproportionately impacted. Looked at still another way, impacts to the low-income or minority population may be roughly equivalent or lower than impacts to the non-low-

income and non-minority populations in the broader jurisdiction. The point is to identify potentially disproportionate impacts in minority and low-income communities.

- 3. Review the results with members of the potentially impacted population.** This step will give the community an opportunity to review all the related and supporting facts and give the transportation agency an opportunity to receive additional input concerning project effects and community needs. This effort should be viewed as an opportunity to “partner” with members of the community to develop the best transportation solution possible.
- 4. Document if the potential exists for disproportionate and high adverse impacts on a minority or low-income population.** That information should be coordinated with the FHWA for concurrence purposes. If a disproportionate and high adverse impact is determined, then the community should be consulted regarding the mitigation of potential impacts. Ensure that the information generated from this assessment and any mitigation efforts are made part of the permanent project file.

### **Cumulative Impacts**

The suggested method for assessing potential cumulative impacts of project alternatives adds to the assessment technique for disproportionate impacts. Assessment of potential cumulative impacts is an effort to determine if disproportionate impacts result from the completion of more than one public and private works project, not just the proposed transportation project. The steps of the suggested technique are as follows:

- 1. Identify all past, present and reasonably anticipated future public works and private projects that have impacted, or have the potential to impact all populations in the study area.** This can be accomplished by reviewing records from your agency and other regional and local agencies. Also, ask local government representatives or residents if they recall any past project(s) that occurred in their community or if they are aware of any present or future projects.
- 2. Compile a list of documented past project impacts and a list of anticipated future project impacts.** In the case of any future projects, simply make a reasonable effort to estimate the potential for impacts and where they may occur given the level of information available.
- 3. Assess disproportionate impacts, adding the information generated from step 2 above.** The base case for comparison should be community conditions prior to the completion of a series of past projects when compared to the contribution of the proposed transportation project. The result would be an identification of impacts and potential impacts resulting from a series of public works projects having occurred over time within the study area. Did any of the projects reduce pedestrian mobility in the affected neighborhood? Was access to community facilities and services impaired? Were substantial numbers of people relocated out of the neighborhood? Consider the results in relation to other populations impacted by the respective projects. Were the impacts relatively equal across population groups? Does it appear that a low-income or minority population has been disproportionately impacted by completion of several projects in the same area? Make this assessment part of the permanent project file, as described in the final two steps of the assessment of disproportionate impacts.

4. **Document cumulative impacts and develop mitigation strategies as appropriate.** Based on the findings and in consultation with FHWA, determine appropriate mitigation strategies and document all information and solutions accordingly. Ensure that this information is made part of the project file. Be proactive in addressing and accommodating community concerns.

## MITIGATION AND PROBLEM SOLVING

Executive Order 12898, USDOT Order 5610.2 and FHWA Order 6640.23 addressing environmental justice state that departmental operations will be administered to identify and avoid discrimination and avoid disproportionately high and adverse effects on minority populations and low-income populations by:

- Identifying and evaluating environmental, public health, and interrelated social and economic effects of DOT programs, policies, and activities;
- Proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by USDOT programs, policies and activities, where permitted by law and consistent with the Executive Order 12898;
- Considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts, consistent with the Executive Order; and
- Eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives.

### Special Considerations

*Using avoidance to address disproportionate impacts on low-income and minority communities from a transportation project may not be an appropriate mitigation strategy either.* In some cases, residents may want the project in their community to improve traffic conditions or to stimulate community revitalization and economic development. For example, a proposed interchange in Forrest City was cited as having potential environmental justice concerns because the project would impact the predominately minority community of Forrest City, requiring the relocation of 29 minority households. The Arkansas Department of Transportation chose to relocate the interchange to the fringes of Forrest City to avoid adversely impacting the minority community. Members of the minority community were opposed to the new site, stating that an interchange in their community would help spur economic development. *This illustrates that assessing social and economic impacts requires community involvement.* Avoid making decisions based purely on secondary information.

Another example is the Interstate 165 project in Prichard, Alabama, which links Interstate 65 with Interstate 10 in Mobile. Prichard is one of the poorest communities in the nation. When originally planned, Mobile was opposed to the project, while Prichard strongly supported it based on the perception that it would revitalize the local economy. A partnership was formed between the City of Prichard, the Alabama Department of Transportation and the Federal Highway Administration to propose the alignment and design of the project. Representatives of Prichard opposed the original plan that would bypass the City, instead asserting the benefits of going through the community. For this project, the bypass alternative, which could have served as an avoidance strategy, was viewed as having a negative impact on a low-income community.

**Note:**

Be careful not to overreact to civil rights and environmental justice requirements, particularly by avoiding transportation improvements in minority or low-income neighborhoods. This may only deprive minority and low-income neighborhoods of needed or desired infrastructure investments and improvements. Instead, incorporate the needs of the community into the project design to preserve and enhance the best qualities of the community and use appropriate measures to reduce adverse impacts.

Providing project enhancements to an affected neighborhood can do more than reduce adverse impacts. Enhancement can also help to revitalize a depressed business district, improve community character, and increase civic pride. For example, Vine Street in Philadelphia links the Benjamin Franklin Bridge with the Schuylkill Expressway. Vine Street also passes through the Chinatown community of Philadelphia. An expansion of Vine Street to an expressway was proposed, which would have adversely impacted Chinatown. To reduce the adverse impacts and preserve community character, several community enhancing features were included in the project including an extra-wide vehicle/pedestrian bridge to maintain access to a local church and school, cultural icons and aesthetic fencing which reflected the community culture, and retaining walls angled inward to minimize traffic noise (see *Community Impact Mitigation: Case Studies*, by the Federal Highway Administration for more details regarding this project).

Other strategies for mitigating adverse impacts of a transportation project involve the manner in which residents and businesses can be relocated. For example, the final segment of the East-West Expressway in Durham, North Carolina links I-85 and I-40 in central North Carolina. This last segment of the expressway traverses a small African-American neighborhood in Durham known as Crest Street. Part of the mitigation strategy to reduce impacts to the community involved a comprehensive restructuring of the entire neighborhood, including relocating residents to new housing units and rehabilitation of existing housing units. An objective of this mitigation strategy was to maintain community cohesion. This was achieved by finding suitable vacant land in the Crest Street community for the residents that were relocated to new housing. This mitigation strategy resulted in the construction of 178 housing units. Also, 56 percent home ownership was achieved through relocation benefits and housing assistance.

## CONCLUSION

Upon completing the analysis detailed in this chapter, the following actions should be completed:

- Document efforts to ensure a non-discriminatory and open decision-making process, measures taken to provide free and equal access to the decision-making process and project information, findings of potential disproportionate or cumulative impacts to low-income or minority populations, mitigation strategies proposed, and commitments made as part of the assessment of civil rights and environmental justice impacts;
- File all relevant documentation in the official project file;
- Incorporate the relevant findings of this assessment into the project development process in order to minimize the civil rights and environmental justice impacts of the final project on study area neighborhoods; and
- Incorporate the documentation developed as part of the process described in this chapter into the relevant section of the environmental document under development for this project per Chapter 9, Section 2.3 of the PD&E Manual.